

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

DAVID LAMAR JOHNSON,)	
)	
Petitioner,)	
)	
v.)	Case No.: 5:19-cv-0836-MHH-SGC
)	
STEVE MARSHALL, Attorney)	
General of the State of Alabama,)	
)	
Respondent.)	

MEMORANDUM OPINION

The petitioner, David Lamar Johnson, filed an amended habeas corpus petition pursuant to 28 U.S.C. § 2254, challenging his August 30, 2007 conviction in the Circuit Court of Houston County, Alabama. (Doc. 4). On July 19, 2019, the magistrate judge entered a report in which she recommended that the Court transfer this action to the United States District Court for the Middle District of Alabama. (Doc. 5). The magistrate judge advised Mr. Johnson of his right to file specific written objections within 14 days; the Court has not received objections.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d

776, 779 n. 9 (11th Cir. 1993); *see also* *LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Having reviewed and considered the materials in the record, the Court adopts the magistrate judge's report and accepts her recommendation. Accordingly, the Court will transfer this case to the United States District Court for the Middle District of Alabama pursuant to 28 U.S.C. § 2241(d).

DONE this 10th day of October, 2019.

A handwritten signature in black ink, reading "Madeline H. Haikala", written over a horizontal line.

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE